

**THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT
OF THE TTAB**

Mailed:
Oct. 13, 2004

Paper No. 9
Bottorff

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Regina M. Stocco

Serial No. 76404246

On Request for Reconsideration

Douglas J. McEvoy of Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C. for Regina M. Stocco.

Leslie L. Richards, Trademark Examining Attorney, Law
Office 106 (Mary I. Sparrow, Managing Attorney).

Before Hanak, Chapman and Bottorff, Administrative
Trademark Judges.

Opinion by Bottorff, Administrative Trademark Judge:

Applicant has requested reconsideration of the Board's
March 16, 2004 decision affirming the refusal of
registration in the above-captioned application.¹

¹ Proceedings herein were suspended by order of the Board dated
April 14, 2004.

Review of the Office's records reveals that Registration No. 2124044 (the registration cited as a Section 2(d) bar to registration of applicant's mark) has been canceled under Section 8.

In view thereof, applicant's request for reconsideration is granted. The appeal is moot, and the Board's March 16, 2004 decision is hereby **vacated**.

Applicant's application Serial No. 76404246 shall be forwarded to publication for opposition.²

² The Board's April 14, 2004 suspension order incorrectly stated that in the event that the March 16, 2004 decision is set aside, applicant's application would be forwarded to issuance of a Notice of Allowance. The mark must be published for opposition first.